

EXECUTIVE CHAMBERS

HONOLULU

July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2196

Honorable Members  
Twenty-Fourth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2196, entitled "A Bill for an Act Relating to Commercial Activities on Ocean Waters."

The purpose of this bill is to regulate commercial activities in the Waianae Coast ocean waters that originate from a private marina. This bill is objectionable because it is unnecessary and vague.

Act 6, Special Session Laws of Hawaii 2005, and Act 314, Session Laws of Hawaii 2006, authorized \$120,000 in general funds to complete a baseline environmental study of the Waianae Coast ocean area for the purpose of establishing a Waianae Coast ocean recreation management area (ORMA). The purpose of establishing an ORMA is to resolve user conflicts through rulemaking for that ORMA. The baseline environmental study is expected to be completed in July 2008. Once the baseline environmental study is completed, rulemaking based on the study may commence, and such rulemaking may address any needed regulation of commercial activities in the ORMA, including those originating from a private marina.

The establishment of a Waianae Coast ORMA is authorized under current law. Senate Bill No. 2196 does not

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provide any required statutory authority for the establishment of a Waianae Coast ORMA.

Furthermore, Senate Bill No. 2196 is vague. Senate Bill No. 2196 is unclear as to what extent commercial activities within a private marina itself are intended to be regulated, what circumstances would warrant such regulation, and how such regulation may be enforced.

For the foregoing reasons, I am returning Senate Bill No. 2196 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read 'L. Lingle', is positioned above the printed name.

LINDA LINGLE  
Governor of Hawaii